

AK

Notice of Allowability

Application No.

10/023,376

Applicant(s)

KUHNS ET AL.

Examiner

Roy M. Punnoose

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview with Atty. Rick Franzen on 03/14/2005.
2. ☒ The allowed claim(s) is/are 4-8, 10, 11, 14-16, 18 and 25-31.
3. ☒ The drawings filed on 13 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

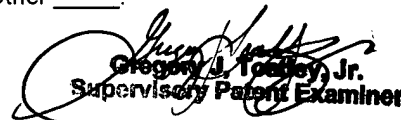
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/14/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Gregory J. Todley, Jr.
 Supervisory Patent Examiner

DETAILED ACTION

Amendments

1. In the amendments filed on August 09, 2004, the applicant cancelled claims 1-3, 9, 12, 13, 17 and 19-24. Claims 4-8, 10, 11, 14-16, 18 and 25-31 are pending in the application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in personal interview with Attorney Rick Franzen (Reg. No. 51,702) on March 14, 2005.

Atty. Franzen authorized an Examiner's amendment to insert "rotating" before "roll" in each independent claim to overcome cited prior-art of the previous office action(s).

3. The application has been amended as follows:
 - a) In claim 4, line 3, insert --rotating-- between "a" and "roll".
 - b) In claim 5, line 3, insert --rotating-- between "a" and "roll".
 - c) In claim 6, line 3, insert --rotating-- between "a" and "roll".
 - d) In claim 7, line 3, insert --rotating-- between "a" and "roll".
 - e) In claim 8, line 3, insert --rotating-- between "a" and "roll".
 - f) In claim 10, line 3, insert --rotating-- between "a" and "roll".
 - g) In claim 11, line 3, insert --rotating-- between "a" and "roll".
 - h) In claim 14, line 3, insert --rotating-- between "a" and "roll".

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- i) In claim 15, line 3, insert --rotating-- between “a” and “roll”.
- j) In claim 16, line 3, insert --rotating-- between “a” and “roll”.
- k) In claim 18, line 2, insert --rotating-- between “a” and “roll,”.
- l) In claim 25, line 2, insert --rotating-- between “a” and “roll”.
- m) In claim 26, line 2, insert --rotating-- between “a” and “roll”.
- n) In claim 27, line 2, insert --rotating-- between “a” and “roll”.
- o) In claim 28, line 2, insert --rotating-- between “a” and “roll”.
- p) In claim 29, line 2, insert --rotating-- between “a” and “roll”.
- q) In claim 30, line 2, insert --rotating-- between “a” and “roll”.
- r) In claim 31, line 2, insert --rotating-- between “a” and “roll”.

Allowable Subject Matter

- 4. Claims 4-8, 10, 11, 14-16, 18 and 25-31 are allowable.
- 5. Claims 4-8, 10, 11, 14-16, 18 and 25-31 are allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus or method for collecting or measuring radiation comprising having an electromechanical radiation collection device in a rotating roll, in combination with the rest of the limitations of the respective claims.
- 6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

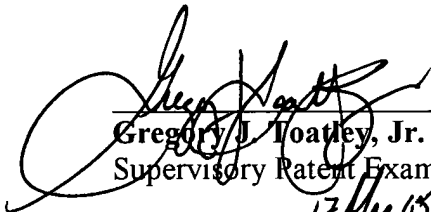
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2059**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roy M. Punnoose
Patent Examiner
Art Unit 2877
March 15, 2005




Gregory J. Toatley, Jr.
Supervisory Patent Examiner

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